THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.14913 of 2006

Date of Decision: 22-9 -2006

Sohan Lal **.....Petitioner**

v.

State of Punjab and others **.....Respondents**

CORAM: HON'BLE MR.JUSTICE S.S.SARON
HON'BLE MR.JUSTICE P.S.PATWALIA

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Present: Mr.Ashok Sharma Nabhewala, Advocate
for the petitioner.

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P.S.PATWALIA, J.

The petitioner is working as a Clerk in the Punjab State Co-operative Handloom Federation Limited (hereinafter to be referred as, `WEAVCO'). It is his grievance that even though a Voluntary Retirement Scheme was notified by the Government of Punjab on 24.2.2003 and which was to remain in operation for a period of six months from the date of notification, yet his employer WEAVCO is pressurising him to give an option under the said scheme and seek voluntary retirement. He submits that he cannot be forced to seek voluntary retirement and he should be permitted to continue till he attains the age of superannuation.

A reading of the pleadings in this writ petition, the annexures attached thereto and particularly a letter dated 8.9.2006 written by the Managing Director WEAVCO, Chandigarh would show that the petitioner's name was coming in the list of surplus employees of the Federation. It was therefore that he was being asked to opt under the Voluntary Retirement Scheme. The petitioner

was also intimated that in case he does not opt for the voluntary retirement, he could not be forced to do so but would make himself liable for action by way of retrenchment/pre-mature retirement. The letter dated 8.9.2006 as reproduced by the petitioner reads as hereunder:-

"**No. Weavco/Admn/A.S.-3/06-07/2277 DATED: 08.09.2006**

Sh.Sohan Lal

Clerk, Weavco

Chandigarh

SUB: Regarding VRS.

Reference your letter

It is hereby informed you in reference to your letter No.01.09.2006 regarding VRS. That this office has already been supplied a proforma of VRS vide letter No.2062-2167 dated 22.08.2006 which VRS was enforced in the last time. It is also informed that there shall be no forcibly VRS imposed upon you and Weavco has no taking a lenient vide on any employee on their grievances of family circumstances. As you are not adopting the VRS and this office has no objection but as you are coming in list of surplus/employee hence there will be taking action by retrenchment/pre-mature retirement. Therefore it is hereby giving another chance to choose the VRS after thoroughly thinking by 11.09.2006 and send option to the Head Office Weavco.

Sd/- Managing Director

WEAVCO, Chandigarh."

Learned counsel for the petitioner submits that the petitioner cannot be forced to seek voluntary retirement. The contention raised is no doubt correct. However, in the facts of this case, we find that the letter dated 8.9.2006 itself states

that the petitioner would not be forced to opt for Voluntary Retirement Scheme, rather the Federation gave an option to the petitioner to take the facility of a Golden Hand Shake Scheme rather than facing retrenchment or premature retirement. It is open to the petitioner to take this option or decline the same. However, he would himself be responsible for the consequences which ensue. Since the facts of this case would show that the petitioner is not being forced to seek Voluntary Retirement Scheme, the contention raised by the learned counsel has no legs to stand on.

The learned counsel then submits that the petitioner has a big family to maintain and other liabilities. He should therefore be permitted to continue to serve till he superannuates. We find this grievance of the petitioner to be premature. So far no order adverse to the petitioner has been passed. In case there is any adverse order, it will be open to the petitioner to avail appropriate legal remedy.

For the aforementioned reasons, we find no merit in this writ petition and the same is accordingly dismissed subject to the observations made hereinabove.

(P.S.PATWALIA)
JUDGE

(S.S. SARON)
JUDGE

September 22, 2006.

RC